

5-703 Agricultural Rural (AR) District Cluster Option.

(A) **Purpose.** The purpose of the Agricultural Rural (AR) District Cluster Option is to provide for residential single-family detached development in the AR-1 and AR-2 districts that promotes the clustering of allowed residential densities while preserving open space and endeavoring to minimize conflict between residential and addresses conservation design standards, accommodates rural economy uses. A cluster subdivision is required where: (i) septic fields are to be located outside the lot served; (ii) HOA ownership of common areas is proposed; or (iii) communal water or wastewater systems will be utilized. ~~and ensures the form and character of residential development is consistent with the open character of the rural economy uses.~~

(B) **General Requirements.** The requirements established in the following sections set forth the general and specific standards for development under the AR District Cluster Option.

(1) **General.** A landowner may exercise the residential cluster option:

(a) In the AR-1 district: on a site consisting of a minimum of forty (40)~~30~~ contiguous acres.

(b) In the AR-2 district: on a site consisting of a minimum of eighty (80)~~60~~ contiguous acres.

For the purposes of this section, land shall be considered contiguous notwithstanding that a land ownership is not broken by a road or a public or private right-of-way or easement passes through such parcel of land.

(2) **Density/Clustering.** Under this AR cluster option, the residential development on the site shall be clustered according to the provisions of this section, and the maximum number of lots shall be:

(a) AR-1 district: a gross density of one (1) lot per ten (10)~~10~~ acres of the total gross land area subjected to the cluster option, including the Rural Economy Conservation Lands lot.

(b) AR-2 district: a gross density of one (1) lot per twenty (20)~~20~~ acres of the total gross land area subjected to the cluster option, including the Rural Economy Conservation Lands lot.

Accessory dwelling units and guest houses otherwise allowed by this Ordinance shall not be counted as dwelling units in the density calculation.

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Minimum number of cluster lots in cluster subdivision: Three (3). Multiple clusters are permitted. The density utilized to create the cluster subdivision shall be calculated for the overall parcel utilized to create the cluster. The subdivision record plat for a cluster subdivision shall contain a tabulation of density for such cluster subdivision.

- (3) **Rural Economy Conservation Lands/Open Space.** A minimum percentage of the site shall consist of Open Space, which shall include all land in Conservancy Lots and all land owned by the Homeowners Association/Rural Economy Conservation Land. All Conservancy Lots and land owned by the HOA shall be, subject to a prohibition on the record plat and in the initial deed of conveyance after subdivision, prohibiting further subdivision, although boundary line adjustment between conservancy lots is permitted so long as no resulting conservancy lot is less than fifteen (15) acres in size ~~conservation easement precluding further subdivision~~. The required percentages of open space for AR-1 and AR-2 District Clusters are, as follows:

- (a) AR-1 district: 70 percent.
- (b) AR-2 district: 85 percent.

- (C) **Residential Cluster and Rural Economy Conservation Lands Standards.** ~~These two elements of the residential cluster option are (1) the residential cluster lots; and (2) Conservancy Lots, and (iii) land, if any, to be deeded to and maintained by the Homeowners Association for the cluster subdivision~~ the Rural Economy Conservation Lands lot. The site layout of these elements shall be depicted on the Subdivision Plat ~~occur during the review of a preliminary plat for subdivision, simultaneously with the analysis and site planning required to be undertaken to comply with Section 6-2000 (Conservation Design).~~ Development of these ~~elements residential cluster and the Rural Economy Conservation Lands~~ shall comply with the following standards.

- (1) **Residential Clusters.** Clusters and lots within clusters shall comply with the following standards; ~~except as exempted by Section 5-703(C)(1)(e).~~
- ~~(a) Number of Lots in Cluster(s).~~ Residential cluster(s) shall consist of a minimum of 5 lots and a maximum of 25 lots, except that a cluster may consist of fewer than 5 lots if:

~~(i) There will be fewer than 5 lots on the entire site that is to be developed under the cluster option;~~

~~(ii) In the AR-1 district, the area of the site is less than 50 acres; or~~

~~(iii) It is demonstrated that a cluster of fewer than 5 lots will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas.~~

(b) Number of Clusters. Multiple clusters shall be required where the total number of lots on a site is greater than 25. A single cluster shall contain all the lots where the total number of lots on a site is 25 or fewer, except that multiple clusters may be allowed where:

~~(i) It is demonstrated that multiple clusters will result in greater amounts of contiguous Rural Economy Conservation Lands or result in less denigration of primary conservation areas; and~~

~~(ii) None of the clusters contains fewer than 5 lots, unless allowed as provided in Section 5-703(C)(1)(a) above.~~

(e)(a) Dimensional Standards of Lots Within Cluster(s).

(i) The area of any individual residential cluster lot shall not be less than one (1) acre or greater than three (3) acres, except a Common open space to be owned by an HOA shall not be subject to the foregoing minimum or maximum lot size.

(ii) Minimum Lot Width of Cluster Lots: Lot size of two (2) acres or more: 200 feet on paved roads; 50 feet on unpaved roads. Lot size of less than two (2) acres: 100 feet on a paved road; 50 feet on unpaved roads

(iii) Minimum Lot Coverage on Cluster Lots: Lot size of two (2) acres or more: 8% maximum, based on gross acreage. Lot size of less than two (2) acres: 15% maximum, based on gross acreage may exceed the 3-acre maximum lot size.

~~(i) There is no minimum lot size for a residential lot in the cluster(s).~~

(iii)(iv) Residential structures within the subdivision cluster, including Conservancy Lots, shall be set back a minimum of 100 feet from any lot line adjoining

~~parcels not located within the cluster subdivision, an agricultural, horticultural, or animal husbandry use.~~

~~(iii) The residential cluster lots shall be located in a contiguous group, with adjacent and fronting lots oriented towards each other as on a street or along a common area.~~

~~(d)(b)~~ **One Dwelling Unit on a Lot.** The only principal use on each residential cluster lot, except the ~~Rural Economy Conservation Lands~~ Conservancy Lots, shall be one single family detached dwelling unit, and any accessory uses (including communal systems, and including Guest House, Accessory Dwelling Unit or Tenant House provided the requirements for such accessory units are met) allowed for the single family detached unit under this Ordinance.

~~(e)(c)~~ **HOA Common Area.** In addition to the number of lots permitted above, a common open space area owned by an HOA may be provided ~~within the DDA, created pursuant to Section 6-2000.~~

(2) ~~**Rural Economy Conservation Lands**~~ **Conservancy Lots.** The required percentage of Open Space Rural Economy Conservation Lands may consist of one or more Conservancy Lots, provided that (i) no Conservancy Lot shall be less than fifteen (15) acres in size; and (ii) all Conservancy Lots shall be counted against the maximum number of lots allowed in the cluster subdivision. on the site shall include primary conservation area lands and other lands, as may be necessary to meet the required percentage. The Rural Economy Conservation Lands shall be designed to be contiguous, and shall be included within one lot. Such lot shall be counted against the maximum number of lots permitted.

(a) **Allowed Uses on Conservancy Lots** ~~**Rural Economy Conservation Lands.**~~ The following uses are allowed on the ~~Rural Economy Conservation Lands~~ Conservancy Lots:

~~(i) The uses allowed on primary conservation area lands on the Rural Economy Conservation Lands are limited to those uses and activities for the respective protected area allowed in the environmental overlay districts or steep slope standards pursuant to Section 4-1600 (MDOD), Section 4-1900 (LOD), Section 4-2000 (RSCOD) and Section 5-1508 (Steep Slope Standards).~~

~~(ii)(1) The uses allowed on Conservancy Lots the other Rural Economy Conservation Lands are limited to~~

those uses specified below and such uses which are subject to any additional standards applicable to such uses as set forth in the Additional Regulations for Specific Uses in Section 5-600:

1. All uses allowed in the AR-1 and AR-2 District regulations, subject to compliance with all standards set forth for such uses in this Ordinance, expressly including performance standards for specific uses set forth in Section 5-600 of this Ordinance. Nothing contained herein shall be construed to prevent the subdivider or developer of a cluster subdivision, from excluding through protective covenants uses on either Cluster Lots or Conservancy Lots that would otherwise be permitted under this Ordinance. One single family detached unit (including accessory uses such as an accessory apartment) is permitted, in association with on-going agricultural uses. It shall be calculated as part of the density allowed on the site under the cluster option.

~~2. Permitted Agriculture, Horticulture and Animal Husbandry Uses.~~

~~3. Permitted Agriculture Support and Services uses related to Agricultural, Horticulture and Animal Husbandry.~~

~~4. Permitted Group Living uses (except co-housing and rooming houses).~~

~~5. Permitted Conference and Training Center uses.~~

~~6. Agricultural Cultural Center and Fairgrounds uses.~~

~~7. Permitted Commercial Uses.~~

~~8. Uses and structures accessory to those uses allowed to be developed on Rural Economy Conservation Lands pursuant to this subsection, consistent with the limitations of the accessory use standards.~~

~~9. Easements and improvements for drainage.~~

~~10. Passive open space.~~

~~1. _____~~

~~11.2. Communal sewer systems and sSeptic systems serving only the Conservancy Lot on which such systems are located.~~

~~12.3. Communal water supply systems, wWells, and other water supply systems serving only the Conservancy Lot on which such systems are located.~~

~~1.HOA structure(s) if the Rural Economy Conservation Land is owned as common open space by the HOA.~~

(3) **Cluster Development Relationships Tree Planting/Canopy.**

(a) **Visual Compatibility.** ~~The lots and buildings of the residential cluster(s) shall be sited so as to reduce visibility of the cluster(s) from public rights-of-way and adjacent lands located outside the cluster subdivision and from other cluster(s), by using existing topography, vegetation, distance and other factors to minimize impact. Options include siting lots and buildings sufficiently below ridgelines or treelines that the horizon will remain visually defined by the ridgeline or treeline rather than by the rooftops of the cluster, or placing lots and buildings at the far edge of a field or pasture as seen from a public right-of-way or other cluster so that the view remains defined by an open and rural character.~~ Cluster lots but not Conservancy Lots in Cluster Subdivisions shall meet the requirements of Section 5-1303(B) of this Ordinance.

(b) **Street Trees Along Adjacent Public Road Frontage.** Street trees shall be provided between cluster lots and adjacent public roads at a density of 1 tree per 50 feet of public road frontage. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more.

~~(b) Contiguity of Rural Economy Conservation Lands. The Rural Economy Conservation Lands lot shall be designed to maximize, to the extent feasible, the contiguity of such lands with other Rural Economy Conservation Lands off-site.~~

(D) **Utility Requirements.**

Water. ~~Both Cluster and Conservancy Residential~~ lots may be served with individual wells or by communal water supply systems. Such wells and water supply systems or their

components ~~shall~~ may be located on ~~or off~~ the individual lot ~~or on~~ HOA common areas, and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005. No individual wells serving residential cluster lots may be located on Conservancy Lots.

(1)

Wastewater. Both Cluster and Conservancy Residential lots may be served by communal sewer systems or by septic systems. Such systems and their components ~~shall~~ may be located on ~~or off~~ the individual lot ~~or in~~ HOA common areas., No septic fields or communal systems serving residential cluster lots may be located on Conservancy Lots. If individual septic systems are utilized, up to seventy percent (70%) of the cluster lots may have primary and/or reserve septic fields on land owned and maintained by the HOA. The record plat shall identify the location of all septic fields, and shall assign them to lots. The responsibility for maintenance of septic fields shall be that of the lot owner and may not be a common HOA expense. Communal septic systems serving more than fifteen (15) lots shall be constructed at the expense of the subdivider or developer, shall be warranted by the subdivider or developer for a period of two years from commencement of operation, and shall be operated and maintained by the LCSA. Communal septic systems serving fifteen or fewer lots shall be maintained by a third party maintenance company approved by the LCSA, and all costs of operation and maintenance of such communal septic system shall be borne as a common expense by the owners of the lots served.

~~(2)(1) and may be located within the Rural Economy Conservation Lands consistent with the standards of this section and Section 6-2005.~~

(E) **Fire Protection.** The residential cluster shall satisfy the fire protection standards set forth in the Facilities Standards Manual, or if no such standards are in effect, shall have an all-weather access road for a pump truck to an adequate pond with a water withdrawal main or to a water tank of sufficient capacity for fire protection as determined by the Director of Building and Development.

(F) **Roads.** The residential cluster lots may be served by a public road or a private access easement with gravel road surfaces that comply with standards contained in the Facilities Standards Manual.

~~(M) **Ownership and Maintenance of Rural Economy Conservation Lands.** The primary conservation areas and other lands on the Rural Economy~~

~~Conservation Lands shall be owned and maintained in accordance with the provisions of Section 6-2008.~~

(H)(G) Homeowners' Association and Responsibilities.

- (1) The cluster development shall have an incorporated Homeowners' Association ("HOA") ~~if any of the following areas or improvements are present within the cluster development.~~ The HOA shall have the right and responsibility to maintain the areas or improvements.
 - (a) Common areas within the cluster, if any, that are to be owned by the HOA ~~not part of the required Rural Economy Conservation Lands;~~
 - ~~(b) The Rural Economy Conservation Lands, if owned by the HOA;~~
 - ~~(e)(b)~~ Private roads, if any, within or serving the cluster development;
 - ~~(d)(c)~~ Any stormwater management ponds or areas;
 - ~~(e)(d)~~ Fire protection pond(s), dry mains, or other improvements;
 - ~~(f)(e)~~ Such other common facilities or improvements, including communal well or septic systems as may be designated in the bylaws of the HOA. The HOA covenants and bylaws shall contain provisions expressly providing that the responsibility for maintaining individual septic systems or wells serving a cluster lot shall be that of the owner of such lot, notwithstanding that the well or septic field is located on HOA common area.
 - (f) All purchasers of lots in Cluster subdivisions shall be provided by the developer of such subdivision with a disclosure, in a form provided by the County from time to time, advising purchasers and landowners of the limitations of individual or communal well and septic systems, the risks of well and septic system failures, and maintenance responsibilities and best practices for individual or communal well and septic systems. The HOA documents shall contain a requirement for similar disclosures on an annual basis in a form approved by the County from time to time.
- (2) Prior to approval of a record plat for subdivision for the cluster:
 - (a) The landowner shall submit documents for the creation of the HOA to the County for review and approval, including

its bylaws, and all documents governing ownership, maintenance, and use restrictions for common areas, including a legal description of such areas and a description of restrictions placed upon the use and enjoyment of the land.

- (b) The landowner shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) concurrently with ~~before~~ approval of first record plat for the property; and
- (c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

~~(D)(H)~~ **Recognizing Protection by Right to Farm Act.** Record plats and deeds authorized pursuant to this section shall include a statement that agricultural operations enjoy the protection of the Right to Farm Act (Va. Code Section 3.1-22.28 et seq.) on the Rural Economy Conservation Lands.

5-704 Common Open Space for Permitted Urban Clusters as permitted in various sections contained in Article III and Article IV of this Zoning Ordinance.

- (A) Common open space shall be designed to constitute a contiguous and cohesive unit of land which may be used for active or passive recreation by residents.
- (B) Common open space shall be accessible to all permitted uses and all residential units within the subject development and shall be located within a reasonable walking distance of such units.
- (C) All common open space shall be permanently reserved, managed, and maintained as open space by a means acceptable to the Board of Supervisors, and at no cost to the County.
- (D) No major floodplain shall be included in calculating the amount of common open space required.

Section 5-600

Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-601

Bed and Breakfast and Rural Guest Establishments. These establishments may be located in accord with the lists of permitted and special exception uses for the individual zoning districts subject to the following criteria:

(A) **Bed and Breakfast Homestay.**

- (1) The owner of the premises shall reside in and manage the establishment.
- (2) The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.
- (3) ~~No Special Events (e.g. weddings, receptions, and parties) or similar activities~~ conducted for compensation shall be permitted ~~except as follows:~~
 - (a) ~~Outdoor~~ Indoor Special Events are permitted on parcels of 10 (ten) acres or more; and
 - (b) ~~Indoor~~ Outdoor Special Events are permitted pursuant to Section 5-500 (C), unless the parcel is larger than 25 acres and elects to qualify as an Event Facility pursuant to Section 6-642, only by special exception In addition, outdoor music shall not be allowed after 11:00 PM
- (4) For any establishment that is not located on a state maintained road, a copy of the deed establishing the ingress/egress easement shall be provided to the Zoning Administrator. The deed shall demonstrate that the easement may be used to support the establishment.

(B) **Bed and Breakfast Inn.**

- (1) The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by guests.
- (2) The ~~establishment~~ Inn shall not contain restaurant facilities but may provide food service for transient guests and visitors only.